

BEST AVAILABLE COPY**ARGUMENT****(37 C.F.R. §1.192(c)(8))****INTRODUCTORY REMARKS**

5

The Applicant notes that the Examiner, by conducting his own independent prior art search and applying his findings in the outstanding Office Action, has abandoned the previous grounds for objection to the claims, under 35 U.S.C. § 112 and 37 C.F.R. § 1.75 as well as the previous grounds for rejection of the claims, under 35 U.S.C. § 102(e), citing Friesen (US 6,496,884), under 35 U.S.C. § 103(a), citing Friesen (US 6,496,884), in view of Brooks (webpage entitled "How to Relabel or Rearrange Keycaps"), and under 35 U.S.C. § 103(a), citing Lee (US 5,589,718), in view of Friesen (US 6,496,884), and in further view of Brooks (webpage entitled "How to Relabel or Rearrange Keycaps"). Claims 49-62 were amended on November 12, 2004, based on the understanding that they were to be allowed thereafter, in the Revised Supplemental Response to Office Action, notwithstanding the Applicant's continuing belief that the claims would have been allowable as originally filed.

Reiterating, the claims have not been substantially amended since the time of the May 6, 2002, non-final Office Action. Accordingly, the Applicant respectfully asserts that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000).

Claims 49-62 are believed to be fully supported by the specification, and are believed to be in allowable form. Alternatively, the claims are believed to be in form for appeal. Thus, favorable consideration of the present continuation application is respectfully requested in light of these remarks.

25

I. Whether Claims 49, 52, 56, and 58-62 are unpatentable, under 35 U.S.C. § 103(a), over Dwight (US Des. 401,220), in view of Barna (US 5,775,935).

A. Specific nature of the rejection.

30

Claims 49, 52, 56, and 58-62 have been rejected under 35 U.S.C. §103(a) as being

unpatentable over Dwight (US Des. 401,220), in view of Barna (US 5,775,935). The Applicant hereby respectfully traverses the Examiner's grounds for rejection on this basis.

The subject matter of Dwight, the primary reference, has been previously as a product review article by Leonard Wiener, entitled "SmarterStrip," U.S. News & World Report, published May 5, 1997, and as an anonymous article, entitled "Designer Surge Protectors Debut from Kensington," *Twice*, published April 7, 1997, which discloses "... color coded sockets and matching identification **rings** to be placed on the electrical device that is plugged into it." [Emphasis added.] (November 5, 2001, Office Action, para. 9). By the Examiner's own cited art, Dwight, or the **colored "labels"** of the Wiener article have been further described as **colored rings** by the "Twice" article. Both Wiener and Twice teach the same subject matter of Dwight.

That Dwight has been previously cited and withdrawn may be understandably unclear to the current Examiner, given the long file history. Indeed, the "Twice" article even includes a photograph showing the same "**colored rings**" around each outlet. Further, the Assignee in Dwight, i.e., ACCO Brands, Inc., as apparent from the face of the patent, is the parent company of Kensington Technology Group which manufactures and markets the Kensington product (See Exhibit C). Barna, the secondary reference, merely teaches a credit card terminal with a patterned colored template over non-identical ports and has been also previously cited as reflected the record.

A review of the record will show that Examiner Polk implicitly *withdrew* the antecedent references, Dwight and Barna, in her Office Action dated May 6, 2002. Thus, these references have already been considered with respect to the currently pending claims, which are substantially the same as those to which these references were applied by Examiner Polk.

B. Analysis of the patentable distinctions between the present invention and Dwight (US Des. 401,220), i.e., the Kensington reference (i.e., the article by Leonard Wiener, entitled "SmarterStrip," U.S. News & World Report, published May 5, 1997), even in view of Barna (US 5,775,935), in light of the evidence.

1. Relevant case law with respect to application of 35 U.S.C. § 103(a).

A long line of cases circumscribe the requisite suggestion for sustaining a §103(a) rejection. *In re Jones* (1992), further defines the rule of *In re Fine* (1988):

Before the PTO may combine the disclosures of two or more prior art references in order to establish prima facie obviousness, **there must be some suggestion for doing so** *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598-99 (Fed. Cir. 1988). [at 1943] [emphasis added]

... the combination ... is not an extraordinary invention; it is deceptively simple. However, simplicity alone cannot be determinative of obviousness. See *Gentry Galley, Inc. v. Berkline Corp.*, 143 F.3d 1473, 1478 [45 USPQ2d 1498] (Fed. Cir. 1998); See also *In re Oetiker*, 977 F.2d 1443, 1447 [24 USPQ2d 1443] (Fed. Cir. 1992) (“**Simplicity alone is not inimical to patentability.**”). The standard of obviousness is not whether in hindsight, it seems elementary that someone would have combined these certain elements in the prior art to form the invention in question. It is insufficient to prove that at the time of the claimed invention, the separate elements of the device were present in the known art. Rather, there must have been some explicit teaching or suggestion in the art to motivate one of even ordinary skill to combine such elements so as to create the same invention. See *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 119 F.3d 953, 957 [43 USPQ2d 1294] (Fed. Cir. 1997).

The prior art **must provide** one of ordinary skill in the art the **motivation** to make the proposed molecular modifications needed to arrive at the claimed compound. [at 1944] [emphasis added]

The Applicant respectfully submits that the Examiner has apparently utilized the claimed invention’s simplicity in arriving at the §103(a) rejection of the claims under the guise of “permissible hindsight.” *In re McLaughlin* held: “... the test for combining references is **not what the individual references themselves suggest but rather what the combination of disclosures taken as a whole would suggest** to one of ordinary skill in the art.” *In re McLaughlin*, 170 USPQ at 212 (1971). The Court there further REVERSED the Board’s decision as to Claim 15, basing the reversal on a Rule 1.132 affidavit submitted by the Applicant: “The evidence, comprising **two affidavits and a series of exhibits**, indicates that the invention has been **commercially successful** and that its **concept was promptly adopted by a competitor**. Recognizing that the **inference of obviousness** drawn from the prior art disclosures

is **only prima facie justification** for drawing the ultimate legal conclusion that the claimed invention is unpatentable under 35 U.S.C. 103, it is **imperative** that such **secondary considerations** also be **evaluated in determining the final validity of that legal conclusion**.

.... We **emphasize** that such is true even where, as here, the claimed invention involves **only relatively simple mechanical concepts**. ‘A patentable invention, within the ambit of 35 U.S.C. 103, *may* result even if the inventor *has*, in effect, **merely combined features, old in the art, for their own purpose, without producing anything beyond the results inherent in their use.**’” *In re McLaughlin*, 170 USPQ at 212 (1971) [Emphasis added].

In the instant case, the Examiner has pointed to only individual features of the claimed invention in the individual references. However, the Examiner has not shown that the combination of the disclosures taken as a whole suggest the claimed invention. Even if the concept of color-coding, in general, has been known, **the concept of solid color-coding has never been applied to substantially identical outlets of a plug strip apparatus** until the present invention. The Examiner has yet to show that “a person *of ordinary skill in the art*,” the relevant art here being in *the area of plug strip apparati*, would have thought to combine (1) a **solid color-coding system** with (2) **substantially identical outlets** on a **plug strip** apparatus. Another advantage of the present invention is that each substantially identical outlet could receive plugs which are substantially identical as well as if they were simply color-coded for association with a particular outlet.

The Applicant further respectfully requests that the current Examiner consider the Declaration of the Applicant Noel Lee, of record, which testifies to **commercial success** on the order of **458,010 units sold worth \$8,857,605.13 in wholesales** in one year as well as to the **nexus** between this commercial success and the merits, i.e., color-coding the plug strip, the claimed features of the present invention, and the Declaration of Retailer Karen Johnson, which testifies to **commercial success** on the order of **31,657 units sold worth \$1,487,796.83 in retail sales** in one year as well as to the **nexus** between this commercial success and the merits, i.e., the solid color-coding of the substantially identical outlets of the plug strip, of the claimed invention. Further, like as in the facts of *McLaughlin*, the **concept was promptly adopted by the competitor Kensington (ACCO)**, i.e., Dwight, as demonstrated by the Declarations of the Applicant Noel Lee (para. 6 of both Declarations). Indeed, former Examiner Polk, in the November 5, 2001 second final Office Action (para. 4), concedes that the Declarations of Noel

Lee and Karen Johnson “may be persuasive regarding commercial success and long felt need.” Furthermore, the evidence of record suggests that Kensington actually acquired the invention from a former employee of the present invention’s Assignee.

In addition to the Declarations of Noel Lee and Karen Johnson, the Applicant respectfully requests that the Examiner give full weight to Expert Witness Dr. Mehrabian’s Rule 1.132 Declaration, which states that he expects there to be a “substantial advantage in using solid colors of high chroma” and which supports patentability in that “expected beneficial results are evidence of obviousness just as unexpected results are evidence of unobviousness.” *In re McLaughlin* also held that “[a] patentable invention, within the ambit of 35 U.S.C. 103, **may result even if the inventor *has*, in effect, merely combined features, old in the art, for their own purpose, without producing anything beyond the results inherent in their use.**” Therefore, even if the combination of the instant claimed elements only produced results “inherent in their use,” i.e., “expected beneficial results,” as is asserted by the Examiner, the Applicant respectfully submits that this circumstance **would not and does not preclude patentability** under *McLaughlin*.

Further, *In re Fritch*, 922 F.2d 1260, 23 USPQ.2d 1780 (Fed. Cir. 1992), held:

Mere fact that prior art may be modified to reflect features of claimed invention does not make modification, and hence claimed invention, obvious **unless desirability of such modification is suggested by prior art** [at 1780] [emphasis added]

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious **unless the prior art suggested the desirability of the modification.** *In re Gordon*, 733 F.2d at 902, 221 USPQ at 1127. [at 1783] [emphasis added]

More recently, *Winner International Royalty Corp. v. Wang*, No. 96-2107, 48 USPQ.2d 1139 (D.C.D.C. 1998) has reinforced the foregoing rule, that the motivating suggestion must be explicit, in holding:

... invention cannot be found obvious **unless there was some explicit teaching or suggestion in art to motivate** one of even ordinary skill to combine elements so as to create same invention. [at 1140] [emphasis added]

... there **must have been some explicit teaching or suggestion in the art to motivate** one of even ordinary skill to combine such elements so as to create the same invention. [at 1444] [emphasis added]

5 On November 2, 2000, a rejection of claims under 35 U.S.C. §103 was reversed by the U.S.P.T.O. Board of Patent Appeals and Interferences in *Ex Parte Yamamoto*, 57 USPQ2d 1382, 1384, on the ground that the *examiner's mere conjecture and speculation* (e.g., the Examiner's assertion of "common sense and common knowledge"), that one of ordinary skill in the art would have considered a prior art composition used for stabilizing higher aliphatic aldehyde compounds to also be useful for stabilizing the Applicant's claimed functional-group-containing compounds, *are insufficient for making an obviousness rejection*.

15 The appealed invention of *Ex Parte Yamamoto* involves a method for stabilizing a *long-chain unsaturated aliphatic* ester, alcohol, ketone, or hydrocarbon, having at least ten carbon atoms and at least one double bond, by admixing with stabilizers *2'-(2'-hydroxy-5'methylphenyl)benzotriazole* and a *phenolic compound* at 0.1 - 10 wt. % of the long-chain unsaturated aliphatic compound. The examiner's cited reference, Ishihara et al. (U.S. Patent No. 4,568,771), disclosed a method for stabilizing an *aliphatic higher aldehyde compound* (i.e., a *pheromone*) by admixing with a stabilizer selected from a group consisting of *salicylic acid compounds, benzotriazole compounds* (e.g., *2'-(2'-hydroxy-5'methylphenyl)benzotriazole*), and
20 other compounds (e.g., *di-tert-butyl-p-cresol*) at 0.01 - 10 wt. % of the aldehyde compound. In reversing the rejection, the Board reasoned that the cited art method for stabilizing a *pheromone*, which happens to be an *aldehyde*, does not teach, motivate, nor suggest the claimed method for stabilizing a *long-chain unsaturated aliphatic compound* (e.g., an ester, a alcohol, a ketone, or a hydrocarbon having at least ten carbon atoms and at least one double bond) using a similar
25 stabilizer composition (i.e., *2'-(2'-hydroxy-5'methylphenyl)benzotriazole* in conjunction with *di-tert-butyl-p-cresol*). The Board's decision in *Ex Parte Yamamoto* reaffirmed the general rule that an obviousness rejection must be based in fact, i.e., **evidence or explanation regarding any teaching, suggestion, or motivation in or among the cited art**, not in the examiner's mere conjecture or speculation that "one of ordinary skill would have found the claimed invention
30 obvious to try."

Even more recently, *In re Zurko*, 59 USPQ2d 1697, 1698 (CAFC), decided on **August 2, 2001**, prior to the August 29, 2001, final Office Action, reversing the Board's decision, held:

Finally, the deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is "**basic knowledge**" or "**common sense**" to one of ordinary skill in the art. ... the Board contended that "it is basic knowledge that communication in trusted environments is performed over trusted paths" and ... verifying the trusted command ... is "nothing more than good common sense." We cannot accept these findings by the Board. **This assessment of basic knowledge and common sense was not based on any evidence in the record and, therefore, lacks substantial evidence support.** Rather, **the Board must point to some concrete evidence in the record in support of these findings.**² To hold otherwise would render the process of appellate review for substantial evidence on the record a meaningless exercise. Accordingly, we cannot accept the Board's unsupported assessment of the prior art. [Emphasis added.]

Thus, an examiner cannot simply reach conclusions based on his or her own understanding or experience nor on her assessment of what would be "basic knowledge" or "common sense."

On point with respect to the nature of the rejections, is the case of *In re Gartside and Norton*, recently decided February 15, 2000, where the CAFC applied the well-established rules of *Dembiczak* (50 USPQ2d at 1616), *Graham* (148 USPQ at 467), *Pro-Mold* (37 USPQ2d 1626), and *Rouffet* (47 USPQ2d at 1456): "the ultimate determination ... whether an invention is or is not obvious is a legal conclusion based on underlying factual inquiries including (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness. ... the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is *rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references*. ... suggestion may come from ... the teachings of the references themselves, and ... from the nature of the problem to be solved." Evidence of suggestion may be a "trend in the art" towards solving the problem by one of ordinary skill in the proposed manner.

More particularly, *Dembiczak*, in Section II of that opinion, states, "Measuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of the invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom of the field.

.... Close adherence to this methodology is especially important ... where the very ease with which the invention can be understood may prompt one ‘to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.’ ... ‘must specifically identify the reasons one of ordinary skill in the art would have been motivated to select the references and combine them’ ... ‘objective teaching [leading to the combination]’ ... conclusion of obviousness was error ‘when it did not elucidate any factual teachings, suggestions or incentives from this prior art that showed the propriety of combination’ Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability — the essence of hindsight. ... the showing [of actual evidence] must be clear and particular. ... ‘examiner’s [mere] conclusory statement ... unaccompanied by evidence or reasoning ... is entirely inadequate to support the rejection.’”

Even more specifically on point are *In re Piasecki* (223 USPQ 785, 787-788) and *In re Lulu* (223 USPQ 1257, 1258), restating *In re Fine* (5 USPQ2d at 1598), decided January 28, 1988, which states, “**Fine says the PTO has not established a prima facie case of obviousness. ... the references applied by the ... Examiner were improperly combined, using hindsight reconstruction, without evidence to support the combination He argues that ... the claims were rejected because the PTO thought it would have been ‘obvious to try’ the claimed invention, an unacceptable basis for rejection. We agree. The PTO has the burden ... to establish a prima facie case of obviousness. It can satisfy this burden only by a showing some objective teaching in the prior art or that the knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.**”

2. Relevant case law applied to the evidence.

The present invention comprises a plurality of discrete, solid colored areas, **each said discrete colored area being disposed on and surrounding each substantially identical outlet, not the Kensington (Dwight) colored rings nor the Barna pattern-colored template around non-identical ports**, as demonstrated by independent Claims 49 and 58, respectively reciting:

49. An AC electrical power distribution system comprising:
 a housing having a plurality of substantially identical AC power
 distribution outlets for connecting AC electrical power to a
 plurality of devices,
 said housing having a plurality of colored areas for selectively
 identifying each outlet of said power distribution outlets,
 each colored area of said colored areas on said housing being
 different in color from any other such colored area, and
 each of said colored areas assigned to a different device.

58. A method for preventing confusion in users of a multiple outlet power
 strip having several identical outlets for providing power to a plurality of
 devices, comprising the steps of:
 assigning a separate and distinct colored area proximate to each outlet for
 selectively identifying each outlet of said power strip;
 assigning each colored area a different color from any other such colored
 area; and
 providing colored indicia corresponding to the colors of said colored
 areas for identifying devices assigned to each colored area.

The law, under 35 U.S.C. § 103, is well settled that, for a cited art reference to render obvious a claimed invention, the combination of claimed elements must be taught, motivated, or suggested by the cited art. The limitations that patentably distinguish Claim 49 from Dwight (Wiener and Kensington), even in view of Barna, are as follows:

1. “a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,”
2. “said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,”
3. “**each colored area of said colored areas on said housing being different in color from any other such colored area, and**”
4. “**each of said colored areas assigned to a different device.**”

and, thus, by dependency, Claims 50-57 are also patentably distinct from Dwight, even in view of Barna.

The limitations that patentably distinguish Claim 58 from Dwight, even in view of Barna, are as follows:

1. “**assigning a separate and distinct colored area proximate to each outlet for selectively identifying each outlet** of said power strip;”
2. “**assigning each colored area a different color from any other such colored area;**

and”

3. **“providing colored indicia corresponding to the colors of said colored areas for identifying devices assigned to each colored area.”**

and, thus, by dependency, Claims 59-62 are also patentably distinct from the Dwight, even in view of Barna.

In essence, the Dwight apparatus *merely comprises thin colored rings disposed at a notable radius away from the outlets*. Barna merely teaches the use of a hardwired pattern-colored template applied to a **credit card terminal**. Barna only serves to illustrate the problem with visual identification. The Barna template, being patterned and used with non-identical ports in the first instance, does not include the present human factors feature for facilitating identification of substantially identical outlets by solid color-coding. As such, Dwight, even in view of Barna, teaches away from the present invention.

In contrast to the cited art, the present invention comprises **discrete solid colored areas which are disposed (a) on and (b) surrounding the outlets, i.e., proximally surrounding the outlets** as shown in Figs. 1-3 of the present application, which permits better peripheral device connection identification (especially when viewed by the consumer at any notable distance) than does Dwight, even in view of the Barna. Reiterating the relevant **human factors** considerations of record, the present invention solid colored areas **appear more prominent to the human eye than do the cited art colored rings or pattern-colored templates**. Thus, the Dwight colored rings do not provide the superior visual indicia of the instant invention.

In order to grasp this concept, the physiological concept of *visual acuity*, must be considered with respect to the claimed invention and as described elsewhere in the record, e.g., the June 26, 2001, Amendment Response to Office Action. The Applicant has utilized human factors engineering for the combined features of the present invention, i.e., the solid colored areas aspect, in order to **optimize the information rate for the average consumer** when using the present invention.

As discussed, *supra*, for a cited art reference to render obvious a claimed invention, the combination of claimed elements must be taught, motivated, or suggested by the cited art. Applying the foregoing rules against hindsight reconstruction to the instant case, the Applicant respectfully submits that the Examiner has inaccurately concluded that one of ordinary skill in the art would have done what the Applicant did to solve the problem. However, none of the

several Examiners' evidence throughout this long and protracted examination, has shown any genuine teaching, motivation, nor suggestion in favor of combining these cited art references nor any of the previously cited references. Such is the problem with impermissible hindsight reconstruction of the prior art.

5 The Examiner's reasoning in the outstanding Office Action uses the Applicant's claimed invention as "a template for piecing together" bits from the cited references (p. 3, para. 2; p. 4, para. 2; p. 4, para. 9 - p. 5). The Examiner states that "Dwight discloses a power strip having ... colored areas," but concedes that Dwight does not teach the colored areas are for selectively identifying each outlet. However, Dwight's colored elements are merely ornamental colored rings as evident from the figures. The Examiner pieces together the present invention by impermissibly combining Barna's pattern-colored alignment strip (template) over non-identical ports with Dwight's ornamental colored rings. Dwight, by virtue of being a design patent, teaches non-functional elements, i.e., merely ornamental colored rings. Neither reference nor the combination of these references teaches, suggests, nor motivates a utilitarian solid-color coding feature for substantially identical outlets as is claimed in the present invention.

10 If the Examiner's reasoning is taken to its conclusion, no human factor invention would ever be patented. The Applicant respectfully submit that the Examiner has prejudiced the present invention's simplifying advantages for the user under his 35 U.S.C. § 103(a) analysis. Thus, the Applicant's teachings have been used to "piece-together" the cited references in the Office Action. As such, the Examiner has engaged in the practice of basing the rejection on impermissible hindsight reconstruction, as discussed, supra, in light of *McLaughlin*.

C. Conclusion with respect to Issue I.

25 Consequently, the Applicant respectfully submits that Dwight, having merely ornamental colored rings, even in view of Barna, having merely a pattern-colored alignment strip over non-identical ports, does not teach, motivate, nor suggest the present invention comprising *functional solid color-coding of substantially identical outlets* in a plug strip apparatus for providing faster, superior visual and mental recognition. Therefore, the Applicant respectfully requests that the grounds for rejection of Claims 49, 52, 56, and 58-62 on this basis be withdrawn.

II. Whether Claims 50, 51, 54, and 55 are unpatentable, under 35 U.S.C. § 103(a), over Dwight (US Des. 401,220), in view of Barna (US 5,775,935), and in further view of Liner (US 5,708,554).

A. Specific nature of the rejection.

Claims 50, 51, 54, and 55 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dwight (US Des. 401,220), in view of Barna (US 5,775,935), and in further view of Liner (US 5,708,554). The Applicant hereby respectfully traverses the Examiner's grounds for rejection on this basis.

B. Analysis in light of the evidence.

As discussed, supra, both Dwight and Barna have been previously cited and withdrawn. Nonetheless, the patentable distinctions between Dwight, in view of Barna, have been discussed, supra, for the Examiner's convenience in light of the lengthy record. With respect to Liner, the Examiner relies on this reference only for its teaching of an oversized outlet.

In contrast to Dwight, even in view of Barna, and even in further view of Liner, the present invention comprises a plurality of discrete, solid colored areas, **each *discrete colored area* being disposed on and surrounding each substantially identical outlet**. Thus, the present invention does not and cannot result from the hindsight reconstruction of the Kensington (Dwight) *ornamental colored rings and the Barna pattern-colored template on non-identical ports in combination with the Liner oversized outlet*, as demonstrated by dependent Claims 50, 51, 54, and 55, as follows:

50. An AC electrical power distribution system, as recited in claim 49, further comprising at least one other AC distribution outlet of greater size than each of said substantially identical AC power distribution outlets for connection to a bulky power adapter.

51. An AC electrical power distribution system, as recited in claim 50, further comprising a plurality of other AC distribution outlets of greater size than each of said substantially identical AC power distribution outlets for connection to bulky power adapters.

5

54. An AC electrical power distribution system, as recited in claim 49, further comprising a switch for powering on and off each and every one of said outlets.

10

55. An AC electrical power distribution system, as recited in claim 49, further comprising at least one indicator light.

The limitations that patentably distinguish Claim 50, including the limitations of base Claim 49, from Dwight, even in view of Barna, and even in further view of Liner, are as follows:

15

1. “a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,”
2. “said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,”
3. “**each colored area of said colored areas on said housing being different in color** from any other such colored area, and”
4. “**each of said colored areas assigned to a different device[,]**”
5. “at least one other AC distribution outlet of **greater size than each of said substantially identical AC power distribution outlets** for connection to a bulky power adapter.”

20

The limitations that patentably distinguish Claim 51, including the limitations of base Claim 49, from Dwight, even in view of Barna, and even in further view of Liner, are as follows:

25

1. “a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,”
2. “said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,”
3. “**each colored area of said colored areas on said housing being different in color** from any other such colored area, and”
4. “**each of said colored areas assigned to a different device[,]**”

30

5. “a plurality of **other AC distribution outlets of greater size than each of said substantially identical AC power distribution outlets** for connection to bulky power adapters.”

The limitations that patentably distinguish Claim 54, including the limitations of base Claim 49, from Dwight, even in view of Barna, and even in further view of Liner, are as follows:

1. “a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,”
2. “said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,”
3. “**each colored area of said colored areas on said housing being different in color from any other such colored area, and**”
4. “**each of said colored areas assigned to a different device[,]**”
5. “**a switch** for powering on and off each and every one of said outlets.”

The limitations that patentably distinguish Claim 55, including the limitations of base Claim 49, from Dwight, even in view of Barna, and even in further view of Liner, are as follows:

1. “a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,”
2. “said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,”
3. “**each colored area of said colored areas on said housing being different in color from any other such colored area, and**”
4. “**each of said colored areas assigned to a different device[,]**”
5. “**at least one indicator light.**”

As discussed, *supra*, the Dwight apparatus *merely comprises thin colored rings disposed at a notable radius away from the outlets*. Barna merely teaches the use of a hardwired **pattern colored template** applied to a credit card terminal and only serves to illustrate the problem with visual identification. The Barna template, being patterned and used with non-identical ports in the first instance, does not include the present human factors feature for facilitating identification of substantially identical outlets by **solid color-coding**. Liner merely teaches an oversized outlet. Therefore, Dwight, even in view of Barna, even in further view of Liner, teaches away from the present invention.

C. Conclusion with respect to Issue II.

Thus, the Applicant respectfully submits that Dwight, even in view of Barna, as discussed, supra, and even in further view of Liner, does not teach, motivate, nor suggest the present invention, but actually teaches away from the present invention's *functional solid color-coding of substantially identical outlets as well as slightly oversized outlets* in a plug strip apparatus. Therefore, the Applicant respectfully requests that the grounds for rejection of Claims 50, 51, 54, and, 55 on this basis be withdrawn.

III. Whether Claim 53 is unpatentable, under 35 U.S.C. §103(a), over Dwight (US Des. 401,220), in view of Barna (US 5,775,935), and in further view of Crane (US 5,899,761).

A. Specific nature of the rejection.

Claim 53 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Dwight (US Des. 401,220), in view of Barna (US 5,775,935), and in further view of Crane (US 5,899,761). The Applicant hereby respectfully traverses the Examiner's grounds for rejection on this basis.

B. Analysis in light of the evidence.

As discussed, supra, both Dwight and Barna have been previously cited and withdrawn. Nonetheless, the patentable distinctions between the present invention and Dwight, in view of Barna, have been discussed, supra, for the Examiner's convenience in light of the lengthy record. With respect to Crane, the Examiner relies on this reference only for its teaching of a coaxial plug.

In contrast to Dwight, even in view of Barna, and even in further view of Crane, the present invention comprises a plurality of discrete, solid colored areas, **each *discrete colored area* being disposed on and surrounding each substantially identical outlet**. This being so, the present invention does not and cannot result from the hindsight reconstruction of the

Kensington (Dwight) *ornamental colored rings and the Barna pattern-colored template on non-identical ports in combination with the Crane coaxial plug*, as demonstrated by dependent Claim 53, reciting:

53. An AC electrical power distribution system, as recited in claim 49, further comprising at least one coaxial cable jack.

The limitations that patentably distinguish Claim 53, including the limitations of base Claim 49, from Dwight, even in view of Barna, and even in further view of Crane, are as follows:

1. “a housing having a plurality of **substantially identical AC power distribution outlets** for connecting AC electrical power to a plurality of devices,”
2. “said housing having a plurality of **colored areas for selectively identifying each outlet** of said power distribution outlets,”
3. “**each colored area of said colored areas on said housing being different in color** from any other such colored area, and”
4. “**each of said colored areas assigned to a different device[,]**”
5. “at least one **coaxial cable jack.**”

As discussed, supra, the Dwight apparatus merely comprises *ornamental thin colored rings disposed at a notable radius away from the outlets*. Barna merely teaches the use of a *hardwired pattern-colored template over non-identical ports* of a credit card terminal. Barna only serves to illustrate the problem with visual identification. The Barna template, being patterned and used with non-identical ports in the first instance, does not include the present human factors feature for facilitating identification of substantially identical outlets by **solid color-coding**. Crane merely teaches coaxial plug. As such, Dwight, even in view of Barna, even in further view of Crane, does not teach, suggest, not motivate the present invention.

C. Conclusion with respect to Issue III.

Thus, the Applicant respectfully submits that the addition of Crane to Dwight, in view of Barna, does not teach, motivate, nor suggest the present invention comprising **functional solid color-coding of substantially identical outlets as well as slightly oversized outlets** in a plug

strip apparatus which provides faster superior visual and mental recognition. Therefore, the Applicant respectfully requests that the grounds for rejection of Claim 53 on this basis be withdrawn.

5 **IV. Whether the present application should be treated as “special” by the examiner under MPEP § 707.02.**

A. Rule under MPEP § 707.02: Applications Up for Third Action and 5-Year Applications [R2].

10

MPEP § 707.02 addresses applications that are up for a third action and applications pending for five (5) years and provides:

15

The supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent office action with a view to finally concluding its prosecution.

20

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution. In order to accomplish this result, the application is to be considered “special” by the examiner.

25

B. Rule under MPEP § 707.02 as applied to the facts.

30

In the instant case, the present application has now been in examination for more than six (6) years and has received at least eight (8) office actions in the continuation case alone, excluding many office actions in the parent case. The priority document, a provisional patent application (US 60/070,217), was filed on January 2, 1998, and its corresponding non-provisional patent application (US 09/221,761) was filed within one year on December 28, 1998. *Furthermore, the present application has been up for appeal at least twice, as shown in the record, with prosecution being reopened by Examiner Polk following each Notice of Appeal, thereby resulting in a perpetual procedural loop to avoid allowance of the instant case.*

C. Conclusion as to Issue IV.

Therefore, in light of the inordinate number of actions on the case, the inordinate number of appeals, the inordinate number of prosecution reopenings, and of the inordinate number of years in examination, the Applicant believes that the Examiner should treat the present application as “special” under MPEP § 707.02.

V. Whether the rejection of previously allowed Claims 49-62 is improper under MPEP § 706.04.

A. Rule under MPEP § 706.04: Rejection of Previously Allowed Claims [R-1].

MPEP § 706.04 addresses the rejection of previously allowed claims and provides:

A claim noted as allowable shall thereafter be rejected only after the proposed rejection has been submitted to the primary examiner for consideration of all the facts and approval of the proposed action. Great care should be exercised in authorizing such a rejection. See *Ex parte Grier*, 1923 C.D. 27, 309 O.G. 223 (Comm’r Pat. 1923); *Ex parte Hay*, 1909 C.D. 18, 139 O.G. 197 (Comm’r Pat. 1909).

PREVIOUS ACTION BY DIFFERENT EXAMINER

Full faith and credit should be given to the search and action of a previous examiner unless there is a clear error in the previous action or knowledge of other prior art. In general, an examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner, or make a new search in the mere hope of finding something. >*Amgen, Inc. v. Hoechst Marion Roussel, Inc.*, 126 F. Supp. 2d 69, 139, 57 USPQ2d 1449, 1499-50 (D. Mass. 2001).<

Because it is unusual to reject a previously allowed claim, the examiner should point out in his or her office action that the claim now being rejected was previously allowed by using Form Paragraph 7.50.

¶ 7.50 Claims Previously Allowed, Now Rejected, New Art

The indicated allowability of claim [1] is withdrawn in view of the newly discovered reference(s) to [2]. Rejection(s) based on the newly cited reference(s) follow.

Examiner Note:

1. In bracket 2, insert the name(s) of the newly discovered references.
2. Any action including this form paragraph requires the signature of a Primary Examiner.

B. Rule under MPEP § 707.02 as applied to the facts.

As discussed, *supra*, the Examiner has indicated that the pending claims are allowable during the October 21, 2004, Telephonic Interview. During the October 28, 2004, telephone conference, the Examiner indicated that a Notice of Allowance would issue. On November 3, 2004, during another telephone conference with the Examiner, he indicated that the Supplemental Amendment required further revision only as to informalities which is also shown in the October 28, 2004, Notice of Non-Compliant Amendment. On November 12, 2004, a Revised Supplemental Amendment Response to Office Action was filed in compliance with the October 28, 2004, Notice of Non-Compliant Amendment. The USPTO online PAIR System status printout of January 24, 2005, indicated that a Notice of Allowability issued on November 15, 2004, but was never received by the Applicant's Attorney (Exhibit A).

However, on January 25, 2005, i.e., one (1) day later, the electronic record of the November 15, 2004, Notice of Allowability was deleted from the USPTO PAIR System (Exhibit B); and, instead, on January 31, 2005, the Applicant's Attorney received yet another Office Action dated January 25, 2004, wherein Claims 49-62 were rejected, citing a primary reference, Dwight (i.e., Kensington) (US Des. 401,220) and a secondary reference Barna (US 5,775,935), as grounds for rejection of the claims on the basis of 35 U.S.C. § 103(a), both of which were previously cited and implicitly *withdrawn* by Examiner Polk in the May 6, 2002, non-final Office Action, nearly three (3) years ago.

On point, MPEP § 706.04 states, "Great care should be exercised in authorizing such a rejection." Particularly on point is that MPEP § 706.04 also provides: "Full faith and credit should be given to the search and action of a previous examiner *unless* there is a *clear error* in the previous action *or* knowledge of *other* prior art. In general, *an examiner should not* take an entirely new approach or attempt to reorient the point of view of a previous examiner, or *make a new search in the mere hope of finding something.*" The Applicant respectfully submits that the Examiner has not exercised the requisite level of care, i.e., "great care," in rejecting the previously allowed claim in the outstanding Office Action.

Reiterating, a Telephonic Interview was conducted on February 9, 2005, for the purpose of pointing-out to Examiner DeBeradinis that both Dwight and Barna had already been *previously cited and implicitly withdrawn* by Examiner Polk, during which the Examiner concedes that *he was unaware of that part in the file history*. He further conceded that *he had*
5 *decided to conduct an independent search of the prior art, without even acknowledging the previously allowed claims*, thereby resulting in Dwight and Barna being reasserted in the outstanding Office Action on his mistaken belief that these references were being newly cited, and thereby returning full circle to the examination conducted by Examiner Polk three (3) years ago. The Examiner stated that he felt uncomfortable with allowing any claims involving “color-coding” and that he was certain that he would find “something” with an independent search, i.e.,
10 the very motivation for conducting a fresh search that is *prohibited* by MPEP § 706.04.

In addition, the Examiner has not proffered any evidence of any clear error by Examiner Polk in implicitly withdrawing Dwight and Barna nor any evidence that the “other” prior art is “new.” Further, the Examiner has not complied with MPEP § 706.04 which requires that the
15 Examiner point-out in his Office Action “that the claim now being rejected was previously allowed using Form Paragraph 7.50.” The Examiner has not acknowledged the previously allowed claims in the outstanding Office Action nor even explained how he has issued a Notice of Allowability (Exhibit A) and then proceeded to withdraw it (Exhibit B).

20 **C. Conclusion as to Issue V.**

Consequently, the Applicant respectfully submits that the rejection of the previously allowed claims is improper under MPEP § 706.04. Therefore, the Applicant respectfully requests that the outstanding rejection of Claims 49-62 be withdrawn and that the November 5, 2004,
25 Notice of Allowability be reinstated on this basis.

VI. Whether the rejection of previously allowed Claims 49-62 is improper under MPEP §§ 2125 and 2126.

A. Rules under MPEP §§ 2125 and 2126: Drawings as Prior Art for § 103(a) rejection.

5 **DRAWINGS CAN BE USED AS PRIOR ART**

Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. In *re Mraz*, 455 F.2d 1069, 173 USPQ 25 (CCPA 1972). However, the picture must show all the claimed structural features and how they are put together. *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928). The origin of the drawing is immaterial. For instance, drawings in a design patent can anticipate or make obvious the claimed invention as can drawings in utility patents. When the reference is a utility patent, it does not matter that the feature shown is unintended or unexplained in the specification. **The drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art.** In *re Aslanian*, 590 F.2d 911, 200 USPQ 500 (CCPA 1979). See MPEP § 2121.04 for more information on prior art drawings as “enabled disclosures.”

I. **AESTHETIC DESIGN CHANGES**

20 *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947) (Claim was directed to an advertising display device comprising a bottle and a hollow member in the shape of a human figure from the waist up which was adapted to fit over and cover the neck of the bottle, wherein the hollow member and the bottle together give the impression of a human body. Appellant argued that certain limitations in the upper part of the body, including the arrangement of the arms, were not taught by the prior art. **The court found that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.**) [Emphasis added.]

B. Rule under MPEP § 707.02 as applied to the facts.

30 While MPEP § 2125 states that drawings in a design patent may be used as prior art to sustain a § 103(a) rejection, MPEP § 2126 circumscribes MPEP § 2125 by stating that “**matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.**” Applying the foregoing rules to the instant case, the Examiner has combined an ornamental feature of a design patent, i.e., the

non-functional colored rings of Dwight, with a functional pattern-colored alignment strip over non-identical ports from Barna, to piece-together the claimed invention, as discussed, supra. *In re Seid* held that an ornamental limitation does not patentably distinguish a given combination of claimed elements over prior art which teaches that combination of claimed elements; and, thus, conversely, combining an ornamental feature from one reference with a functional feature of another reference cannot sustain a § 103(a) rejection against a given claimed functional feature, because the requisite explicit motivation to combine is absent. To hold otherwise, would fly in the face of the prohibition against impermissible hindsight reconstruction.

Further, *In re Harvey*, 29 USPQ2d 1206, 1209, decided December 7, 1993, held that a “post-hoc rationalization of the claimed design ... is improper[,]” reasoning that “like the examiner, the Board improperly mixed the principles of obviousness for utility patents with those for ornamental design patents Therefore, in considering prior art references for purposes of determining patentability of ornamental designs, the focus must be on appearances and not uses. *In re Glavas*, 230 F.2d 446, 450, 109 USPQ 50, 52 (CCPA 1956).” Conversely, in considering prior art references for purposes of determining patentability of utility claims, the focus must be on uses and not on appearances.

C. Conclusion as to Issue VI.

Thus, the Applicant respectfully submits that the Examiner has improperly combined purely ornamental features from Dwight with non-analogous, functional features from Barna, to reconstruct the presently claimed invention in hindsight. Therefore, the Applicant respectfully requests that the grounds for rejection of Claims 49-62 on the basis of § 103(a) be withdrawn under MPEP § 2125 and § 2126.

The Claims Do Not Stand Nor Fall Together:

The Applicant respectfully submits that the claims either stand or fall individually. With regard to independent Claim 49, Claims 41-62 are dependent therefrom and differ in cumulative language as follows:

49. An AC electrical power distribution system comprising:
a housing having a plurality of substantially identical AC power distribution outlets for
connecting AC electrical power to a plurality of devices,
said housing having a plurality of colored areas for selectively identifying each outlet of
said power distribution outlets,
each colored area of said colored areas on said housing being different in color from any
other such colored area, and
each of said colored areas assigned to a different device.
50. ... at least one other AC distribution outlet of greater size than each of said substantially
identical AC power distribution outlets for connection to a bulky power adapter.
51. ... a plurality of other AC distribution outlets of greater size than each of said
substantially identical AC power distribution outlets for connection to bulky power
adapters.
52. ... at least one telephone jack.
53. ... at least one coaxial cable jack.
54. An AC electrical power distribution system, as recited in claim 49, further comprising
a switch for powering on and off each and every one of said outlets.
55. ... at least one indicator light.

56. ... labels having colors corresponding to the colors of said colored areas, said labels for identifying different devices.

57. ... a set of colored cords having colors corresponding to the colors of said colored areas.

5

58. A method for preventing confusion in users of a multiple outlet power strip having several identical outlets for providing power to a plurality of devices, comprising the steps of:

10

assigning a separate and distinct colored area proximate to each outlet for selectively identifying each outlet of said power strip,

assigning each colored area a different color from any other such colored area; and

providing colored indicia corresponding to the colors of said colored areas for identifying devices assigned to each colored area.

15

59. ... wherein said indicia are colored labels having the same colors as the colored area proximate to each outlet.

60. ... wherein said are colored cords having the same colors as the colored area proximate to each outlet.

20

61. ... wherein said indicia are colored plugs having the same colors as the colored area proximate to each outlet.

25

62. ... wherein said indicia are colored stickers having the same colors as the colored area proximate to each outlet wrapped around the cord.

Thus, the Applicant likewise respectfully submits that inventive features may be individually characterized; and that, therefore, the foregoing claims should not stand nor fall together. Only a truly anticipatory reference in every sense would be able to render all of the foregoing claims unpatentable.

5

CONCLUSION

10

Accordingly, Claims 49-62, as submitted on November 12, 2004, better encompass the full scope and breadth of the present invention, notwithstanding the Applicant's belief that the claims would have been allowable as originally filed. The Applicant respectfully reasserts that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, allowance of the present application in light of the these remarks is respectfully requested. Pending Claims 49-62 are believed to be fully supported by the specification, and are believed to be in allowable form, or alternatively, in better form for appeal. Favorable action is accordingly solicited.

Respectfully submitted,



May Lin DeHaan
Reg. No. 42,472

MLD:pa
Date: March 14, 2005
LARIVIERE, GRUBMAN & PAYNE, LLP
Post Office Box 3140
Monterey, CA 93942
(831) 649-8800

**APPENDIX A****(37 C.F.R. § 1.192(c)(9))****Claims:**

49. An AC electrical power distribution system comprising:
- a housing having a plurality of substantially identical AC power distribution outlets for connecting AC electrical power to a plurality of devices,
- said housing having a plurality of colored areas for selectively identifying each outlet of said power distribution outlets,
- each colored area of said colored areas on said housing being different in color from any other such colored area, and
- each of said colored areas assigned to a different device.
50. An AC electrical power distribution system, as recited in claim 49, further comprising at least one other AC distribution outlet of greater size than each of said substantially identical AC power distribution outlets for connection to a bulky power adapter.
51. An AC electrical power distribution system, as recited in claim 50, further comprising a plurality of other AC distribution outlets of greater size than each of said substantially identical AC power distribution outlets for connection to bulky power adapters.

- 52. An AC electrical power distribution system, as recited in claim 49, further comprising at least one telephone jack.
- 53. An AC electrical power distribution system, as recited in claim 49, further comprising at least one coaxial cable jack.
- 54. An AC electrical power distribution system, as recited in claim 49, further comprising a switch for powering on and off each and every one of said outlets.
- 55. An AC electrical power distribution system, as recited in claim 49, further comprising at least one indicator light.
- 56. An AC electrical power distribution system, as recited in claim 49, further comprising labels having colors corresponding to the colors of said colored areas, said labels for identifying different devices.
- 57. An AC electrical power distribution system as recited in claim 49, further comprising a set of colored cords having colors corresponding to the colors of said colored areas.
- 58. A method for preventing confusion in users of a multiple outlet power strip having several identical outlets for providing power to a plurality of devices, comprising the steps of:

assigning a separate and distinct colored area proximate to each outlet for selectively

identifying each outlet of said power strip,
assigning each colored area a different color from any other such colored area; and
providing colored indicia corresponding to the colors of said colored areas for identifying
devices assigned to each colored area.

- 59. A method, as recited in claim 58, wherein said indicia are colored labels having the same colors as the colored area proximate to each outlet.
- 60. A method, as recited in claim 58, wherein said are colored cords having the same colors as the colored area proximate to each outlet.
- 61. A method, as recited in claim 58, wherein said indicia are colored plugs having the same colors as the colored area proximate to each outlet.
- 62. A method, as recited in claim 58, wherein said indicia are colored stickers having the same colors as the colored area proximate to each outlet wrapped around the cord.



APPENDIX B: COMPARATIVE DRAWINGS

(37 C.F.R. § 1.192(c)(6))

- 1. Present Invention (3 pages)**
- 2. Dwight (4 page)**
- 3. Barna (2 page)**
- 4. Prior Art Plain Plug Strip Problems**
- 5. Present Invention Solid Color Coded Plug Strip Solutions**



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Patents

Patent Applications

Patent Application
Information (PAIR)
PAIR Frequently
Asked Questions
PAIR Help
Search
Class/Subclass/GAU
• Manual of Patent
Classification
Secure eBusiness
• Patent EBC
Customer Numbers
Digital Certificates
• Electronic Filing
• Private PAIR
Glossary
Patent eBusiness
Support/Help
System Alerts
Viewer Download:
PDF

Patent Information

About Patents
Manual of Patent
Examining Procedure
Patent Assistance
Center
• Employee Locator
Search
Valid Location Codes
Telephone Directory
• Fees
Pay online (RAM)
Inventor Resources
News, Federal
Register & OG Notices
PTDL Program -
libraries near you
Registered Patent
Attorneys & Agents

Patent Searches

Search
Patents/Patent
Applications - *full text
& images*
How to View Patent
Images
Search Assignments -
ownership
Search International
Patents
Other Search
Resources & Tips
Sequence Searches
(*biotech*)
Software for

Patent Application Information Retrieval

Select Search
Method:

Enter Number:

Application Number

SUBMIT

[Order Cer](#)
[Order Cer](#)
[View Orde](#)

09/735,697

Apparatus and method for powering multiple peripheral devices
color-coded central power source

Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates	Address & Attorney/Agent
		Date	Contents Description			
		11-15-2004	Notice of Allowability			
		11-15-2004	Date Forwarded to Examiner			
		11-12-2004	Response after Non-Final Action			
		11-15-2004	Correspondence Address Change			
		10-28-2004	Mail Notice of Informal or Non-Responsive Amendr			
		10-28-2004	Date Forwarded to Examiner			
		09-22-2004	Supplemental Response			
		09-22-2004	Workflow incoming amendment IFW			
		07-13-2004	Case Docketed to Examiner in GAU			
		05-15-2004	IFW TSS Processing by Tech Center Complete			
		05-15-2004	Date Forwarded to Examiner			
		03-26-2004	Informal or Non-Responsive Amendment after Exa			
		03-26-2004	Response after Non-Final Action			
		03-26-2004	Request for Extension of Time - Granted			
		05-12-2004	Mail Examiner Interview Summary (PTOL - 413)			
		05-10-2004	Examiner Interview Summary Record (PTOL - 413)			
		03-26-2004	Workflow incoming amendment IFW			
		12-14-2003	Case Docketed to Examiner in GAU			
		11-28-2003	Mail Non-Final Rejection			
		11-26-2003	Non-Final Rejection			
		06-04-2003	Date Forwarded to Examiner			
		05-13-2003	Appeal Brief Filed			
		12-11-2001	Notice of Appeal Filed			
		06-04-2003	Date Forwarded to Examiner			

Sequence Listings

Order Copies &
Publications

Products & Services

Other

Copyrights
Policy & Law
Reports
Trademarks

03-13-2003	Amendment after Final Rejection
08-16-2002	Examiner Interview Summary Record (PTOL - 413)
08-06-2002	Examiner Interview Summary Record (PTOL - 413)
04-09-2003	Examiner Interview Summary Record (PTOL - 413)
02-13-2003	Mail Notice of Restarted Response Period
02-13-2003	Letter Restarting Period for Response (i.e. Letter re
01-16-2003	Mail Final Rejection (PTOL - 326)
01-13-2003	Final Rejection
05-22-2002	Examiner Interview Summary Record (PTOL - 413)
11-22-2002	Date Forwarded to Examiner
09-05-2002	Response after Non-Final Action
09-05-2002	Request for Extension of Time - Granted
05-06-2002	Mail Non-Final Rejection
05-03-2002	Non-Final Rejection
02-16-2002	Date Forwarded to Examiner
02-08-2002	Appeal Brief Filed
12-11-2001	Notice of Appeal Filed
11-05-2001	Mail Final Rejection (PTOL - 326)
11-02-2001	Final Rejection
10-16-2001	Date Forwarded to Examiner
10-05-2001	Amendment after Final Rejection
08-28-2001	Mail Final Rejection (PTOL - 326)
08-27-2001	Final Rejection
07-03-2001	Date Forwarded to Examiner
06-26-2001	Response after Non-Final Action
03-27-2001	Mail Non-Final Rejection
03-26-2001	Non-Final Rejection
12-12-2000	Preliminary Amendment
03-09-2001	Case Docketed to Examiner in GAU
03-01-2001	Application Dispatched from OIPE
02-26-2001	Correspondence Address Change
01-02-2001	IFW Scan & PACR Auto Security Review
12-12-2000	Initial Exam Team nn

The Patent Electronic Business Center is available to assist with PAIR questions at (866)

The Patent Electronic Business Center is available to assist with PAIR questions at (866) 217-9197 (toll free) or EB
Send questions about USPTO programs and services to the USPTO Contact Center (UCC). Direct questions on website operations

[HOME](#) |
 [SITE INDEX](#) |
 [SEARCH](#) |
 [eBUSINESS](#) |
 [HELP](#) |
 [PRIVACY POLICY](#) |

EXHIBIT B

USPTO PAIR SYSTEM CASE STATUS PRINTOUT (January 25, 2005)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Patents

Patent Applications Patent Application Information Retrieval

Patent Application Information (PAIR)
 PAIR Frequently Asked Questions
 PAIR Help
 Search Class/Subclass/GAU
 • Manual of Patent Classification
 Secure eBusiness
 • Patent EBC
 Customer Numbers
 Digital Certificates
 • Electronic Filing
 • Private PAIR
 Glossary
 Patent eBusiness Support/Help
 System Alerts
 Viewer Download: PDF

Patent Information

About Patents
 Manual of Patent Examining Procedure
 Patent Assistance Center
 • Employee Locator Search
 Valid Location Codes
 Telephone Directory
 • Fees
 Pay online (RAM)
 Inventor Resources
 News, Federal Register & OG Notices
 PTDL Program - libraries near you
 Registered Patent Attorneys & Agents

Patent Searches

Search Patents/Patent Applications - full text & images
 How to View Patent Images
 Search Assignments - ownership
 Search International Patents
 Other Search Resources & Tips
 Sequence Searches (biotech)
 Software for Sequence Listings

Order Copies & Publications
 Products & Services

Other

Copyrights
 Policy & Law
 Reports
 Trademarks

Select Search Method:

Enter Number:

Application Number

SUBMIT

Order Certified Application As Filed
 Order Certified File Wrap
 View Order List

09/735,697 Apparatus and method for powering multiple peripheral devices from color-coded central power source

Application Data	Transaction History	Image/File Wrapper	Continuity Data	Published Documents	Publication Dates	Address & Attorney/Agent
Application Number:	09/735,697	Customer Number:	-			
Filing or 371 (c) Date:	12-12-2000	Status:	Non Final Action Mail			
Application Type:	Utility	Status Date:	01-25-2005			
Examiner Name:	DEBERADINIS, ROBERT L	Location:	ELECTRONIC			
Group Art Unit:	2836	Location Date:	-			
Confirmation Number:	6750	Earliest Publication No:	US 2001-0002774 A1			
Attorney Docket Number:	P1230	Earliest Publication Date:	06-07-2001			
Class / Subclass:	307/147	Patent Number:	-			
First Named Inventor:	Noel Lee , Dallas, TX	Issue Date of Patent:	-			
Title of Invention:	Apparatus and method for powering multiple peripheral device: color-coded central power source					

The Patent Electronic Business Center is available to assist with PAIR questions at (8 217-9197 (toll free) or EBC@uspto.gov.

The Patent Electronic Business Center is available to assist with PAIR questions at (866) 217-9197 (toll free) or EBC@uspto.gov.
 Send questions about USPTO programs and services to the USPTO Contact Center (UCC). Direct questions on website operations to the webmaster@uspto.gov.

HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY |



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Patents

Patent Applications

Patent Application Information (PAIR)
PAIR Frequently Asked Questions
PAIR Help
Search Class/Subclass/GAU
• Manual of Patent Classification
Secure eBusiness
• Patent EBC
Customer Numbers
Digital Certificates
• Electronic Filing
• Private PAIR
Glossary
Patent eBusiness Support/Help
System Alerts
Viewer Download: PDF

Patent Information

About Patents
Manual of Patent Examining Procedure
Patent Assistance Center
• Employee Locator Search
Valid Location Codes
Telephone Directory
• Fees
Pay online (RAM)
Inventor Resources
News, Federal Register & OG Notices
PTDL Program - libraries near you
Registered Patent Attorneys & Agents

Patent Searches

Search Patents/Patent Applications - full text & images
How to View Patent Images
Search Assignments - ownership
Search International Patents
Other Search Resources & Tips
Sequence Searches (biotech)
Software for Sequence Listings

Order Copies & Publications
Products & Services

Other

Copyrights
Policy & Law
Reports
Trademarks

Patent Application Information Retrieval

Select Search

Method:

Enter

Number:

Application Number

Order Certified Application As Filed
Order Certified File Wrap
View Order List

09/735,697 Apparatus and method for powering multiple peripheral devices from color-coded central power source

Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates	Address & Attorney/Agent
------------------	---------------------	--------------------	-----------------	---------------------	-------------------	--------------------------

Date	Contents Description
01-25-2005	Mail Non-Final Rejection
01-25-2005	Non-Final Rejection
11-15-2004	Date Forwarded to Examiner
11-12-2004	Response after Non-Final Action
11-15-2004	Correspondence Address Change
10-28-2004	Mail Notice of Informal or Non-Responsive Amendment
10-28-2004	Date Forwarded to Examiner
09-22-2004	Supplemental Response
09-22-2004	Workflow incoming amendment IFW
07-13-2004	Case Docketed to Examiner in GAU
05-15-2004	IFW TSS Processing by Tech Center Complete
05-15-2004	Date Forwarded to Examiner
03-26-2004	Informal or Non-Responsive Amendment after Examiner Action
03-26-2004	Response after Non-Final Action
03-26-2004	Request for Extension of Time - Granted
05-12-2004	Mail Examiner Interview Summary (PTOL - 413)
05-10-2004	Examiner Interview Summary Record (PTOL - 413)
03-26-2004	Workflow incoming amendment IFW
12-14-2003	Case Docketed to Examiner in GAU
11-28-2003	Mail Non-Final Rejection
11-26-2003	Non-Final Rejection
06-04-2003	Date Forwarded to Examiner
05-13-2003	Appeal Brief Filed
12-11-2001	Notice of Appeal Filed
06-04-2003	Date Forwarded to Examiner
03-13-2003	Amendment after Final Rejection

08-16-2002	Examiner Interview Summary Record (PTOL - 413)
08-06-2002	Examiner Interview Summary Record (PTOL - 413)
04-09-2003	Examiner Interview Summary Record (PTOL - 413)
02-13-2003	Mail Notice of Restarted Response Period
02-13-2003	Letter Restarting Period for Response (i.e. Letter re: References)
01-16-2003	Mail Final Rejection (PTOL - 326)
01-13-2003	Final Rejection
05-22-2002	Examiner Interview Summary Record (PTOL - 413)
11-22-2002	Date Forwarded to Examiner
09-05-2002	Response after Non-Final Action
09-05-2002	Request for Extension of Time - Granted
05-06-2002	Mail Non-Final Rejection
05-03-2002	Non-Final Rejection
02-16-2002	Date Forwarded to Examiner
02-08-2002	Appeal Brief Filed
12-11-2001	Notice of Appeal Filed
11-05-2001	Mail Final Rejection (PTOL - 326)
11-02-2001	Final Rejection
10-16-2001	Date Forwarded to Examiner
10-05-2001	Amendment after Final Rejection
08-28-2001	Mail Final Rejection (PTOL - 326)
08-27-2001	Final Rejection
07-03-2001	Date Forwarded to Examiner
06-26-2001	Response after Non-Final Action
03-27-2001	Mail Non-Final Rejection
03-26-2001	Non-Final Rejection
12-12-2000	Preliminary Amendment
03-09-2001	Case Docketed to Examiner in GAU
03-01-2001	Application Dispatched from OIPE
02-26-2001	Correspondence Address Change
01-02-2001	IFW Scan & PACR Auto Security Review
12-12-2000	Initial Exam Team nn

The Patent Electronic Business Center is available to assist with PAIR questions at (8 217-9197 (toll free) or EBC@uspto.gov.

EXHIBIT C**EVIDENCE OF RELATED ENTITY FOR PRIMARY CITED REFERENCE**

1. **[Http://tile.net/vendors/index.php?v_id=1235](http://tile.net/vendors/index.php?v_id=1235)** (web page containing information as to parent/subsidiary relationship of the Dwight reference).



(Click on a category to Browse)

☐ Lists ☐ News ☒ Vendors ☐ Internet

Search

TILE.NET/VENDORS

The Reference to Computer Products Vendors

Company Information : Kensington Technology Group, a division of ACCO Brands, Inc.

Product Information : Computer Accessories Input Devices Mice Trackballs Security Cables Surge Protectors Carrying Cases comfort and productivity after-market products

Contact : Sales: 800-535-4242 Support: 800-535-4242 Fax: 650-572-9765

Description :

Address : 2855 Campus Drive San Mateo, CA

State : CO

Zip : 94403

Country : United States

Email : info@kensington.com

Homepage : www.kensington.com

[Ads by Goooooogle](#)

Laptop Cases

Performance Notebook
Travel Bag. Order Direct
From APC Today.
www.apc.com

Laptop & Notebook Cases

Multiple Laptop Computer
designs Shipping &
Carrying Cases
www.starcase.com

Dell Official Site

Computer Parts &
Components Big Savings!
Shop Dell Online.
www.dell4me.com

Laptop cases

Shop Online & Save.
Treat Yourself to Great
Savings at Target.
www.Target.com

Laptop Bags & Backpacks

Spring Sale at eBags!
Many Choices Free
Shipping. Award-Winning
Site.
eBags.com

Tile.net Link Sponsors:

- [American Loans Online](#) - Find the loan/mortgage service you're looking for
- [Safe Audit](#) - Payday Loans
- [Free Directory](#) - Web directory with relevant Internet words
- www.alltopsites.info - All Top Sites
- www.iberbrasconsultoria.com - Brazilian Consulting
- www.ichservers.com - Brazilian Consulting

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.